

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38024 of 2021**

Arising Out of PS. Case No.-41 Year-2021 Thana- DARBHANGA District- Darbhanga

DEEPAK MAHTO @ BISHAL KUMAR Son of Suresh Mahto Resident of
Mohalla - Senapath Lalbagh, P.S. - Town, District – Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48119 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- DARBHANGA District- Darbhanga

ADITYA KUMAR SINHA @ AMIT KUMAR Son of Govind Mandal
Resident of Village - Chunabhatti, Laxmisagar, P.S.- LNMU Campus, Distt.-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38024 of 2021)

For the Petitioner/s : Mr.Sanjeev Kumar Jha

For the Opposite Party/s : Mr.Pranav Kumar

(In CRIMINAL MISCELLANEOUS No. 48119 of 2021)

For the Petitioner/s : Mr.Raghwendra Pratap Singh

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 18-04-2022 Heard the parties.

Since both the bail applications arise out of Town PS
Case No. 41 of 2021 as such both were taken up together and
are being disposed of by this common order.

Petitioners seek regular bail in connection with Town
PS Case No. 41 of 2021 registered under Section 363 of the IPC
and later on Section 302 of the IPC added.



The allegation in nutshell is that the son of the informant got missing since 01.02.2021 and his dead body was recovered on 09.02.2021 from the bank of Bagmati river.

Learned counsel for the petitioners submit that petitioners have been implicated in this case with oblique motive inasmuch as the son of the informant was missing since 01.02.2021 but the FIR has been lodged on 04.02.2021 and in the First Information Report even suspicion has not been raised against the petitioners. They further submit that dead body was recovered on 09.02.2021 but even at the time of recovery of dead body the petitioners' name was not disclosed by the informant and after the post mortem was held on 10-02-2021 the petitioners along with other accused persons have been implicated by the informant on 11.02.2021 inasmuch as a written application disclosing name of the petitioners and others was submitted by the informant before the Police. Learned counsel further submits that deceased was having some love relationship with one girl namely, Rani Kumari, who is the daughter of Roshani Devi, which was not to the liking of the informant's family and the informant was not ready to solemnize marriage of the deceased with the said girl Rani Kumari due to which the informant's son committed suicide



which would be evident from the post mortem report inasmuch as no external injury was found on the body of the deceased and the doctor has found 50 ml dark brown liquid with pungent smell in the stomach and the viscera has been sent for forensic examination. Learned counsel further submits that the co-accused / Roshani Devi has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 39190 of 2021 and the co-accused / Rani Kumari, who has also been made accused has been granted bail by the court below itself.

With regard to Aditya Kumar Sinha @ Amit Kumar (Cr. Misc. 48119 / 2021) , learned counsel submits that CDR of the mobile phone belonging to the petitioner- Aditya Kumar Sinha was being used by Rani Kumari and this fact has come during course of investigation in the case diary. Petitioners are in custody since 12.02.2021.

Regard being had to the submissions made by the parties and taking into consideration the fact that Roshani Devi has been granted bail by a Co-ordinate Bench of this Court, no cogent evidence has come against the petitioners during investigation, petitioners are in custody since 12.02.2021 and charge sheet has already been submitted, as such, I am inclined to grant regular bail to the petitioners.



Let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Town PS Case No. 41 of 2021.

(Anil Kumar Sinha, J)

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